

ORDINANCE NO. 6 2 5 3

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, AMENDING CHAPTER 18.26, OF THE AUBURN CITY CODE AND CREATING A NEW SECTION 18.04.625 OF THE AUBURN CITY CODE, RELATING TO ZONING

WHEREAS, by means of Resolution No. 4357 on May 12, 2008, Resolution No. 4412 on October 28, 2008 and Resolution No. 4472 on April 20, 2009, the Auburn City Council established and extended a moratorium on the filing of applications for conditional use permits (CUPs) for property located in the R-2 Single Family District, the R-3 Two-Family (Duplex) Residential District and the C-1 Light Commercial District within the City of Auburn, including, specifically, CUPs pursuant to Section 18.14.030 of the Auburn City Code (ACC), paragraphs (C), (F) and (H); CUPs pursuant to Section 18.16.030 ACC, paragraphs (G) and (J) for the R-3 District; and CUPs pursuant to Section 18.26.030 ACC, paragraph (A) for the C-1 District; and

WHEREAS, the City of Auburn Planning and Community Development Committee has engaged during the moratorium period in a substantive evaluation of issues and options pertaining to the filing of applications for conditional use permits (CUPs) for property located in the R-2 Single Family District, the R-3 Two-Family (Duplex) Residential District and the C-1 Light Commercial District within the City of Auburn; and

WHEREAS, Section 2 (Terms of Moratorium Extension) of Resolution No. 4472 specifies that all or portions of the moratorium shall expire upon the effective date of an Ordinance revising the provisions for CUPs in the R-2 Single Family

District, the R-3 Two-Family (Duplex) Residential District and the C-1 Light Commercial District; and

WHEREAS, the City of Auburn City Council passed Ordinance No. 6245 on June 1, 2009 that addressed the status of CUPs specifically, CUPs pursuant to Section 18.14.030 of the Auburn City Code (ACC), paragraphs (C), (F) and (H); CUPs pursuant to Section 18.16.030 ACC, paragraphs (G) and (J) for the R-3 Two-Family (Duplex) Residential District; and

WHEREAS, Ordinance No. 6245 re-designated the R-2 Single Family District and the R-3 Two-Family (Duplex) Residential District to Residential – 7 Dwelling Units/Acre (R-7) and Residential-10 Dwellings Units/Acre (R-10), respectively, specified that duplexes were a permitted use in the R-7 and R-10 zoning districts, specified that multiple family dwellings were prohibited in the R-7 zoning district and a conditional use in the R-10 zoning district, and specified that professional offices were prohibited in the R-7 zoning district and a conditional use in the R-10 zoning district provided that they were part of a mixed use development and were not a home occupation; and

WHEREAS, the Auburn City Council's passage of Ordinance No. 6245 reduced the applicability of the moratorium established and extended by means of Resolution No. 4357 on May 12, 2008, Resolution No. 4412 on October 28, 2008 and Resolution No. 4472 on April 20, 2009 on the filing of applications for conditional use permits (CUPs) to only property located in the C-1 Light Commercial District within the City of Auburn, including, specifically, CUPs pursuant to Section 18.26.030 ACC, paragraph (A) for the C-1 District; and

WHEREAS, at a regularly scheduled meeting of the City of Auburn Planning and Community Development Committee on July 13, 2009, the Committee evaluated potential policy change options to address the processing of CUPs pursuant to Section 18.26.030 ACC, paragraph (A) for the C-1 District, and provided input and direction to City staff to initiate the processing of its preferred option (s); and

WHEREAS, the City of Auburn Public Works Committee reviewed a draft of Ordinance No. 6253 at its regularly scheduled July 20, 2009 meeting and the City of Auburn Planning and Community Development Committee reviewed a draft of Ordinance No. 6253 at its July 27, 2009 regularly scheduled meeting; and

WHEREAS, the City transmitted written notice of its intent to amend ACC 18.04 (Definitions) and 18.26 (C-1 Light Commercial District) and requested expedited review to the Growth Management Services Division of the Washington State Office of Community, Trade, and Economic Development (CTED) – to be known as the Washington State Department of Commerce effective July 26, 2009 - pursuant to the requirements of RCW 36.70A.106, on July 21, 2009, and did receive a receipt and acknowledgment letter from CTED (Material ID # 14654) on July 22, 2009 indicating that the procedural requirement of RCW 36.70A.106 for state agency notification had been complied with; and

WHEREAS, no comments regarding the proposed amendments have been received from CTED or other state agencies; and

WHEREAS, the City issued a Determination of Non-Significance (DNS) on July 30, 2009 for the proposed amendments to Chapters 18.04 and 18.26 (City File Reference No. SEP09-0021); and

WHEREAS, the City of Auburn Planning Commission held a duly noticed public hearing on the proposed amendments on August 4, 2009, and voted to recommend adoption of the proposed amendments with minor amendments to Section 18.26.020.LL.2 to the Auburn City Council; and

WHEREAS, the City of Auburn Planning and Community Development Committee voted at its regularly scheduled meeting on August 10, 2009 to recommend adoption of Ordinance No. 6253 to the Auburn City Council; and

WHEREAS, the Auburn City Council's adoption of Ordinance No. 6253 will cause upon the effective date of said Ordinance the immediate expiration of Resolution Nos. 4357, 4412 and 4472 pertaining to the filing of applications for conditional use permits (CUPs) for property located C-1 Light Commercial District, specifically, CUPs pursuant to Section 18.26.030 ACC, paragraph (A) for the C-1 District; and

WHEREAS, the Auburn City Council finds that the proposed amendments contained herein substantively and positively address the City Council's issues and concerns that initially led to the passage of Resolution No. 4357 and its subsequent extensions.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, WASHINGTON, DO ORDAIN as follows:

Section 1. Amendment to City Code. That Chapter 18.26, C-1

Light Commercial District, of the Auburn City Code be and the same hereby is amended to read as follows:

Chapter 18.26
C-1 LIGHT COMMERCIAL DISTRICT

Sections:

- 18.26.010 Intent.
- 18.26.020 Permitted uses.
- 18.26.030 Uses requiring permit.
- 18.26.040 Development standards.
- 18.26.050 Supplemental development standards.

18.26.010 Intent.

The intent and objective of this classification and its application is to provide for the location of a grouping of uses which are considered compatible uses having common or similar performance standards in that they represent types of enterprises involving the rendering of services, both professional or to the person, or on-premises retail activities. This zone represents the primary commercial designation for small to moderate scale commercial activities and should be developed in a manner which is consistent with and attracts pedestrian-oriented activities. This zone encourages leisure shopping and provides amenities conducive to attracting shoppers. (Ord. 4547 § 4 (Exh. B), 1992; Ord. 4229 § 2, 1987.)

18.26.020 Permitted uses.

Hereafter all buildings, structures or parcels of land shall only be used for the following, unless otherwise provided for in this title:

- A. Art, music and photography studios;
- B. Automobile parking facilities;
- C. Bakery and pastry shops, products made must be sold at retail on premises;
- D. Banking and related financial institutions, excluding drive-in facilities;
- E. Bowling alleys;
- F. Caretaker apartment;
- G. Civic, social and fraternal clubs;
- H. Daycare, including home-based, mini daycare, daycare center, preschools or nursery schools;
- I. Delicatessens;
- J. Dry cleaning and laundry services;
- K. Funeral homes;
- L. Grocery stores;

- M. Hobby shops;
- N. Hospitals, to include small animal, but does not allow outside runs or kennels;
- O. Hotels;
- P. Laundry, self service;
- Q. Liquor store;
- R. Massage parlors;
- S. Meeting rooms and/or reception facilities;
- T. Motels;
- U. Newsstands;
- V. News syndicate services;
- W. Nursing home;
- X. Personal service shops;
- Y. Pharmacies;
- Z. Printing and publishing;
- AA. Professional offices;
- BB. Radio and television broadcasting studios;
- CC. Retail stores and shops, including department and variety stores which offer for sale the following, and similar related goods:
 - 1. Antiques,
 - 2. Art supplies,
 - 3. Automobile parts and accessories, excluding service and machine shops,
 - 4. Baked goods,
 - 5. Beverages,
 - 6. Bicycles,
 - 7. Books and magazines,
 - 8. Candy, nuts, and confectionery,
 - 9. Clothing,
 - 10. Computers,
 - 11. Dairy products,
 - 12. Dry goods,
 - 13. Flowers and house plants,
 - 14. Fruits and vegetables,
 - 15. Furniture and home furnishings,
 - 16. Hardware, including electrical, heating, plumbing, glass, paint, wallpaper and related goods,
 - 17. Home garden supplies,
 - 18. Household appliances,
 - 19. Household pets,
 - 20. Housewares,
 - 21. Jewelry and clocks,
 - 22. Meat, fish and poultry, preprocessed,
 - 23. Notions,
 - 24. Office supplies and equipment,

- 25. Photographic equipment, including finishing,
- 26. Radio, television, and stereos,
- 27. Shoes,
- 28. Sporting goods,
- 29. Stationery,
- 30. Toys;
- DD. Religious institutions;
- EE. Restaurant, including outdoor seating, but excluding drive-in facilities. Sale of alcoholic beverages is a secondary use and is limited to on-premises consumption;
- FF. Schools, including art, business, barber, beauty, dancing, martial arts and music;
- GG. Secretarial services;
- HH. Theaters, except drive-in;
- II. Other uses may be permitted by the planning director if the use is determined to be consistent with the intent of the zone and is of the same general character of the uses permitted in this section;

JJ. Apartments, within the North Auburn Business Area as established by Resolution 2283, provided they are located in a multistory building and at least 50 percent of the gross floor area of the ground floor must contain a permitted use or combination of uses, other than parking, as listed in this section. The remaining 50 percent (or portion thereof) of the ground floor may be apartments, conditionally permitted uses, lobby area, recreation, or other uses needed to maintain the building. There are no minimum lot area per dwelling unit density calculations to apply to determine the maximum number of dwelling units allowed; rather, density shall be limited by the application of other required development regulations to the proposal including, but not limited to, off-street parking, setbacks, and landscaping;

KK. Mixed Use Development provided that each use is a permitted or conditional use within the zone;

LL. Multiple family dwellings as part of a mixed use development provided that compliance to all of the following is demonstrated:

1. Multiple family dwellings shall only occur concurrent with or subsequent to the development and construction of non-residential components of the mixed use development; and,

2. Applications for mixed use development inclusive of multiple family residential dwellings shall include transportation and traffic analyses appropriate to the type and scale of the proposed development based on the concurrent determination of the Planning Director and City Engineer. The Planning Director and City Engineer may require the analysis to address, including but not limited to, AM or PM traffic impacts; and/or area circulation planning for motorized and non-motorized modes of travel and connectivity; and/or Transportation Demand Management (TDM) strategies; and,

3. Applications for the mixed use development inclusive of multi-family residential dwellings shall include written and plan information demonstrating compliance to applicable design standards for mixed use development contained in the City of Auburn Multi-Family and Mixed Use Design Standards; and,

4. Applications for the mixed use development inclusive of multi-family residential dwellings shall comply, as applicable, with the neighborhood review meeting requirements of ACC 18.02.130 (Neighborhood Review Meeting).

5. Mixed use development comprised of a maximum of one building on a development site shall have the entire ground floor comprised of one or more commercial retail, entertainment or office uses that are permitted outright or conditionally, provided that uses normal and incidental to the building, including but not limited to, interior entrance areas, elevators and associated waiting areas, mechanical rooms, and garbage/recycling areas, may be allowed on the ground floor, except that non-street frontage vehicle garages located on the ground floor together with all other normal and incidental uses shall occupy a maximum of 50 percent of the ground floor space.

6. Mixed use development that is geographically distributed on a development site amongst two or more buildings shall have a minimum of fifty (50) percent of the cumulative building ground floor square footage comprised of one or more commercial retail, entertainment or office uses that are permitted outright or conditionally. (Ord. 5666 § 1, 2002; Ord. 4547 § 4 (Exh. B), 1992; Ord. 4229 § 2, 1987.)

18.26.030 Uses requiring permit.

The following uses may be permitted when a conditional use permit has been issued pursuant to the provisions of Chapter 18.64 ACC:

A. ~~Apartments; provided, that 1,200 square feet of lot area is provided for each dwelling unit;~~

B. ~~Arcades;~~

GB. Automobile sales and leasing, new and/or used, including light pick-up trucks and vans but not including recreational vehicles or heavy trucks, provided the following requirements are met:

1. The business shall be located on a major arterial as defined by the city traffic plan;

2. No repairing, painting or body work shall be conducted outside of a building;

3. If adjacent to an R zone, a sight-obscuring fence or landscape screen shall be required;

4. A minimum of a 25-foot setback shall be required of any building from any R zone;

5. Other landscaping or architectural improvements may be required to ensure compatibility with present and potential C-1 uses in the vicinity;

DC. Automobile service stations, provided they are located at the intersection of two streets, one of which must be an arterial;

ED. Dance halls;

FE. Drive-in facilities, including banks and restaurants;

GF. Government facilities, excluding offices and related uses that are permitted outright;

HG. Brew pubs;

IH. Utility substations;

JI. Household goods storage, provided the following requirements are met:

1. No more than two main entrances and/or exits to the building and access to the individual storage areas be from the inside of the building;

2. Landscaping and architectural improvements required to ensure compatibility with present and potential C-1 uses in the vicinity. (Ord. 5383 § 1, 2000; Ord. 4547 § 4 (Exh. B), 1992; Ord. 4265 § 1, 1988; Ord. 4229 § 2, 1987.)

18.26.040 Development standards.

A. Minimum lot area: none required.

B. Minimum lot width: none required.

C. Minimum lot depth: none required.

D. Maximum lot coverage: none required.

E. Maximum building height: 45 feet. Buildings within the Auburn North Business Area, as established by Resolution 2283, may exceed 45 feet if one additional foot of setback is provided from each property line for each foot the building exceeds 45 feet in height.

F. Minimum yard setbacks:

1. Front: 20 feet.

2. Side, interior: none required.

3. Side, street: 15 feet.

4. Rear: none required.

G. Fences and hedges: see Chapter 18.48 ACC.

H. Parking: see Chapter 18.52 ACC.

I. Landscaping: see Chapter 18.50 ACC.

J. Signs: see Chapter 18.56 ACC. (Ord. 5666 § 2, 2002; Ord. 4547 § 4 (Exh. B), 1992; Ord. 4265 § 1, 1988; Ord. 4229 § 2, 1987.)

18.26.050 Supplemental development standards.

A. All uses shall be conducted entirely within a building or structure except:

1. Automobile parking lots;

2. Automobile sales and leasing;
 3. Display or sales of goods that do not extend eight feet past the front of the building, do not block entrances or interfere with pedestrian travel, do not interfere with the parking areas and do not encroach upon public property;
 4. Outdoor seating for restaurants, theaters or other entertainment;
 5. Temporary uses as permitted by the hearing examiner, building official, planning director or city engineer pursuant to applicable ordinances;
 6. Unloading and loading areas;
 7. Utility substations;
 8. Refuse containers;
 9. Play areas for daycares.
- B. Any repairing done on the premises shall be incidental only, and limited to custom repairing of the types of merchandise sold on the premises at retail. The floor area devoted to such repairing shall not exceed 30 percent of the total floor area occupied by the particular enterprises, except that the limitations of this subsection shall not apply to shoe, radio, television or other small appliance repair services.
- C. Storage shall be limited to accessory storage of commodities sold at retail on the premises or materials used in the limited fabrication of commodities sold at retail on the premises. No outside storage is permitted.
- D. Operations conducted on the premises shall not be objectionable beyond the property boundary lines by reason of noise, odor, fumes, gases, smoke, vibration, hazard or other causes.
- E. No on-site hazardous substance processing and handling, or hazardous waste treatment and storage facilities shall be permitted, unless clearly incidental and secondary to a permitted use. On-site hazardous waste treatment and storage facilities shall be subject to the state siting criteria (Chapter 70.105 RCW). (Ord. 4547 § 4 (Exh. B), 1992; Ord. 4294 § 3, 1988; Ord. 4229 § 2, 1987.)

Section 2. New Section to City Code. That a new Section 18.04.625 – Mixed Use Development (Definitions) of the Auburn City Code be and the same hereby is created to read as follows:

18.04.625 Mixed-Use Development.

“Mixed-Use Development” means a single unified development that incorporates the planned integration of two or more different land uses consisting of some combination of office, light industrial, hotel, retail, entertainment, public uses, and residential uses. Mixed-use development

may be vertically oriented in one or more buildings, or geographically distributed on a development site. When geographically distributed, the different uses may be constructed concurrently or in separate phases, and should incorporate common and/or complimentary features and/or elements such as pedestrian walkways, access driveways, parking areas, architectural themes, or other techniques that provide integration between uses on the site.

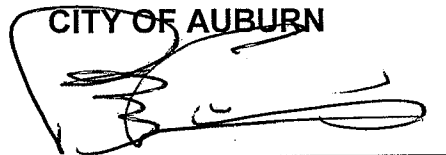
Section 3. Termination of Moratorium. The moratorium initially established by Resolution 4357 and amended and extended by Resolution No. 4412 and Resolution No. 4472 is hereby terminated.

Section 4. Implementation. The Mayor is hereby authorized to implement such administrative procedures as may be necessary to carry out the directions of this legislation.

Section 5. Severability. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

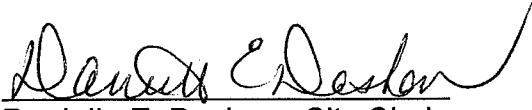
Section 6. Effective date. This Ordinance shall take effect and be in force five days from and after its passage, approval and publication as provided by law.

INTRODUCED: AUG 17 2009
PASSED: AUG 17 2009
APPROVED: AUG 17 2009

CITY OF AUBURN


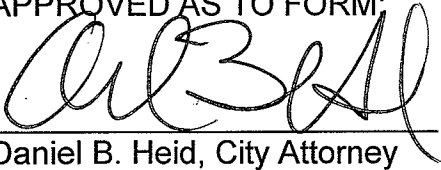
PETER B. LEWIS
MAYOR

ATTEST:



Danielle E. Daskam, City Clerk

APPROVED AS TO FORM:



Daniel B. Heid, City Attorney

Published: August 20, 2009